

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2819 - SB 3240

March 1, 2010

SUMMARY OF BILL: Creates an offense for an owner, keeper, or harbinger of a dog to fail to restrain the dog at all times on a leash or similar device in such person's immediate control or in a pen or other enclosure. Punishment for violations range from a Class C misdemeanor to a Class C felony with fines ranging from \$100 to \$25,000. Defines "enclosure" and "harbinger or keeper".

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$23,600/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- Currently the owner of a dog commits an offense if the dog goes uncontrolled by the owner on the premises of another without the consent of the property owner or goes uncontrolled on a highway, public road, street or any other place open to the public.
- Violations are punishable ranging from a Class C misdemeanor to a Class D felony unless the violation involves a dog that was trained to fight, attack or kill; had been used to fight; or the owner knew of the dangerous nature of the dog and the dog had previously bitten someone that resulted in serious bodily injury or death. Violations with these enhancement factors are punishable ranging from a Class C misdemeanor to a Class C felony.
- The proposed bill sets fines for each offense. If the dog causes serious bodily injury or death, the court is granted discretion to determine the length of sentence.
- According to the Department of Correction (DOC), there has been no admissions for offenses pursuant to Tenn. Code Ann. § 44-4-408 in each of the past 10 years. DOC estimates one additional Class E every three years and one additional Class D as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class E felony is 1.31 years (478.48 days) and 1.96 years (715.89 days) for a Class D felony. The cost per offender at 1.31 years is \$28,641.81 (\$59.86 x 478.48 days) and the cost per offender at 1.96 years is \$42,853.18 (\$59.86 x 715.89 days). The annualized cost per conviction for a Class E felony is \$9,451.80 (0.33 annual number of convictions x \$59.86 x 478.48

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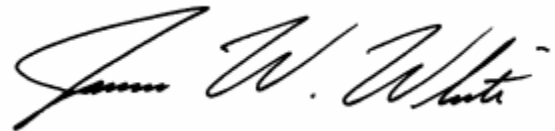
days). The annualized cost per conviction for a Class D felony is \$14,141.55 (\$0.33 annual number of convictions x \$59.86 x 715.89 days).

- The total additional operating cost is \$23,593.35 (\$9,451.80 + \$14,141.55).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc